

STATE OF CALIFORNIA, COUNTY OF NEVADA BOARD OF SUPERVISORS SUMMARY MINUTES, JANUARY 20, 2015

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA

REGULAR MEETING: 9:00 A.M.

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 a.m.

The following Supervisors present:

Nathan H. Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

Pledge of Allegiance led by Ms. Susan Healy-Harman, Transit Services Manager.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

PUBLIC COMMENT: 9:01 A.M. No public comment received.

CONSENT CALENDAR: Chairman Scofield introduced the consent calendar.

Interim Director of Public Health: Jill Blake

1. Resolution authorizing execution of a renewal Agreement Funding Application (AFA) for Agreement 2014-29 with the California Department of Public Health for Maternal, Child and Adolescent Health (MCAH) Division for continuation of Program funding in the maximum payable amount of \$156,163 for Fiscal Year 2014/15. ([Resolution 15-044](#) adopted.)

Planning Director: Brian Foss

2. Resolution adopting findings for the retention of unexpended Recreation Mitigation Fees in the Grass Valley/Nevada City and Twin Ridges Benefit Zones, and directing the Director of the Community Development Agency (CDA) and Auditor-Controller to retain said fees. (Dists. I, III, and IV) ([Resolution 15-045](#) adopted.)

Acceptance of the 2013/14 Annual Report for the Grass Valley/Nevada City and Twin Ridges Benefit Zones. (Accepted.)

Director of Public Works: Steven Castleberry

3. Resolution approving submittal of an application for 2015-2019 California Federal Lands Access Program funding for the Jackson Meadows Road Improvements Project, delegating and authorizing the Director of Public Works to execute and submit all documents necessary for completion of the grant application and approval process for said Project, and approving the use of \$135,992.33 in toll credits in lieu of minimum match. (Dist. V) ([Resolution 15-046](#) adopted.)

County of Nevada
Board of Supervisors Minutes

4. Resolution awarding and authorizing execution of contract with Quincy Engineering, Inc. for professional engineering services for the Combie Road Corridor Improvement Project (Res. 14-472), in an amount not to exceed \$579,490, for the period January 20, 2015 through December 31, 2018. (Dist. II) ([Resolution 15-047](#) adopted.)
5. Resolution authorizing the purchase of two additional vehicles for the fleet pool (2015 Ford Taurus AWD and 2015 Ford Explorer 4x4), and authorizing and directing the Auditor-Controller to amend Public Works Department/Fleet Management Division's budget for Fiscal Year 2014/15, in the amount of \$50,000. (Fleet Division) ([Resolution 15-048](#) adopted.)
6. Resolution approving submittal of the amended Proposition 1B, Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Program Expenditure Plan through Fiscal Year 2016/17 for Nevada County capital projects for Transit vehicle replacements, Transit facility improvements, bus stop improvements, and Transit technology, in the amount of \$1,861,576, and authorizing the Chair of the Board of Supervisors to appoint the Director of Public Works to execute the application(s) and other financial and special reporting documents on behalf of the County of Nevada. (Transit) ([Resolution 15-049](#) adopted.)

Chief Information Officer: Stephen Monaghan

7. Resolution authorizing execution of agreement with the City of Grass Valley (City) pertaining to Nevada County Information and General Services (IGS) providing information technology services and resources to the City, while assessing opportunities for possibly expanding the level of service through a future agreement, in an estimated amount of \$24,480, for the period February 1, 2015 through June 30, 2015. ([Resolution 15-050](#) adopted.)

County Counsel: Alison Barratt-Green

8. Resolution approving Amendment No. 2 to personal services contract (PESH2775) between the County of Nevada and Colantuono, Highsmith & Whatley, P.C. to increase the maximum contract amount by \$75,000, and authorizing the Chair of the Board to execute the amendment, and related budget amendment. (4/5 affirmative vote required.) (Pulled from consent by Mr. Robert Plass, District IV)

Clerk of the Board: Donna Landi

9. Approval of Beyers Lane Community Service District's amended Conflict of Interest Code. (Approved.)
10. Acknowledge Supervisor Miller's appointment of Mr. Jeffery Wilson as District III representative to the Airport Commission. (Acknowledged.)
11. Acknowledgement of 2015 Chair assignments to various Nevada County Board of Supervisors Committees, Commissions, etc. (Acknowledged.)

ACTION TAKEN: Mr. Robert Plass, District IV resident, requested Agenda Item 8 be removed from the consent calendar for discussion.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Miller, to approve the consent calendar, less Agenda Item 8. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

County Counsel: Alison Barratt-Green

8. Resolution approving Amendment No. 2 to personal services contract (PESH2775) between the County of Nevada and Colantuono, Highsmith & Whatley, P.C. to increase the maximum contract amount by \$75,000, and authorizing the Chair of the Board to execute the amendment, and related budget amendment. (4/5 affirmative vote required.)

ACTION TAKEN: Chairman Scofield introduced the agenda item.

Mr. Robert Plass, District IV, expressed his concerns regarding the consequences of escalating the issues related to the cell tower construction. Mr. Plass asked the Supervisors to “take a step back”, look at the situation objectively and do their own independent analysis of how we came to this situation and how best to move forward. Mr. Plass listed his concerns: permits for the house that arose due to the conflict from the construction of the cell tower; cell tower is up and functional so there is no longer a permit issue; County losses in court; the visually important ridgeline fight; potential cost to taxpayers of Nevada County; if staff or attorneys gave bad advice the actions cannot be undone; and to answer the question why this fight is continuing. His hope is that the Supervisors bring reason and judgment to the table when controversies arise, rather than letting them continue to escalate out of control. He urged the Board to get an outside independent review of the situation.

Chairman Scofield provided an opportunity for public comment.

Mr. Steve Orlick, District I, commented that he was disappointed in the Supervisors making decisions on constitutionality issues like public property rights. He asked the Supervisors to focus on things they are elected to do; public safety issues, community issues, and parks and service issues. Supervisor Beason advised Mr. Orlick that he would be responding to his email regarding an article in The Union newspaper.

Mr. Chuck Frank, District IV, referred to President John F. Kennedy’s inaugural address where he stated “...the same revolutionary beliefs for which our forbearers fought are still at issue around the globe. The belief that the rights of man come, not from the generosity of the state, but from the hand of God.” Mr. Frank asked the Supervisors to keep this in mind when evaluating property rights.

Board questioning and discussion ensued.

Supervisor Anderson’s preference would be for the County to try and settle with the parties involved.

Supervisor Beason asked if the County had ever offered to discuss or work with the Lockyers during the cell tower case and the management plan to try to resolve this issue out of court. Ms. Alison Barratt-Green, County Counsel, responded that the County did approach the Lockyers, on multiple occasions early on in the process, and they declined.

MOTION: Motion made by Supervisor Nate Beason, seconded by Supervisor Ed Scofield, to adopt [Resolution 15-051](#). Ayes: Supervisors Beason, Scofield, Weston and Miller. Noes: Supervisor Anderson. Abstain: None. Absent: None.

Following a short break, Chairman Scofield called the meeting to order. He recessed as the Board of Supervisors and convened as the Nevada County Sanitation District No. 1 Board of Directors.

SCHEDULED ITEM: 9:05 A.M.

21. Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.
Call meeting to Order. Chairman Scofield called the meeting to order. All Directors present.
- a. Consent: Chairman Scofield introduced the consent calendar.
1. Resolution authorizing execution of Amendment 1 to contract with HydroScience Engineers, Inc. for preliminary design services for the Connection of the Penn Valley Sewer System to the Lake Wildwood Wastewater Treatment Plant Improvement Project (Res. SD14-13), revising the contract term to July 28, 2014 through January 31, 2016. (Sanitation) (Dist. IV) ([Resolution SD15-002](#) adopted.)
 2. Resolution authorizing execution of Amendment 1 to contract with Coastland Civil Engineering for project management services for the Connection of the Penn Valley Sewer System to the Lake Wildwood Wastewater Treatment Plant Improvement Project (Res. SD14-14), revising the contract term to July 28, 2014 through January 31, 2016. (Sanitation) (Dist. IV) ([Resolution SD15-003](#) adopted.)

MOTION: Motion made by Director Weston seconded by Director Anderson, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

####

- b. Public comment. No public comment received.

####

Adjournment.

ACTION TAKEN: Chairman Scofield adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

DEPARTMENT HEAD MATTERS:

Director of Public Works: Steven Castleberry

13. Review of the Draft 2015 Annual Update of the Nevada County Department of Public Works Road Maintenance and Capital Improvement Plan (CIP) for Fiscal Years 2014/15 through 2018/19.

ACTION TAKEN: Mr. Steven Castleberry, Director of Public Works introduced the agenda item, explaining that the presentation was for information purposes only. Staff will meet with each Supervisor to discuss road issues relating to their District, and then return to the Board in February for approval of the Road Maintenance and Capital Improvement Plan.

Mr. David Garcia, Transportation Planner, provided a PowerPoint presentation and reviewed the staff report. He gave a summary of funding, revenue trends, road maintenance, expenditure trends and current projections.

Mr. Steve Castleberry, discussed overlay and pavement conditions in the County. Nevada County's Pavement Condition Index (PCI) is average. If revenue becomes available pavement overlays will be planned. One of our funding sources is Measure F which was passed by voters in 1996; Mr. Castleberry reviewed where this funding has been spent.

County of Nevada
Board of Supervisors Minutes

Mr. David Garcia continued his review of Capital Expenditures. He reviewed the list of planned activities. Public Works staff will be setting individual meetings with Supervisors to discuss project priorities in their Districts and they will be back in February to request formal approval.

Board questioning ensued.

Chairman Scofield thanked staff for the presentation.

CLOSED SESSION: 9:30 A.M.

Pursuant to Government Code Section 54957(b)(1), County Counsel is requesting a closed session for the Board of Supervisors to consider discipline or dismissal of a public employee.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the closed session item into the record, and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that the closed session was continued to February for a final decision. However, for the benefit of the parties that are present, pursuant to Section 18.5 of the Nevada County Personnel Code, the Board of Supervisors has determined to decide this case on the record, including the transcript, without taking additional evidence. So, the item will be continued until February for a final decision.

***CLOSED SESSION:**

Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case:

Evans, et al. v. Nevada County Sheriff's Dept., et al. (United States District Court, Eastern District, No. 2:13-cv-01775-TLN-DAD)

Saling v. Keith Royal, et al. (United States District Court, Eastern District, No. 2:13-cv-01039 TLN EFB PS)

Soga v. County of Nevada, et al. (United States District Court, Eastern District, No. 2:14-cv-01084-KJM-KJN)

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the closed session item into the record, and following a short break the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that no action was taken in closed session that is required to be reported out by law.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Updates were provided by members of the Board.

Following a short recess, Chairman Scofield called the meeting to order.

SCHEDULED ITEM: 11:00 A.M.

14. Resolution of Necessity determining the public interest and necessity requiring fee acquisition interest in Assessor's Parcel Number (APN) 04-190-25 for the Newtown Road Class II/III Bicycle Corridor Project. (Dist. I.)

ACTION TAKEN: Chairman Scofield introduced the agenda item.

Mr. Joshua Pack, Principal Civil Engineer, reviewed the Newtown Road Class II/III Bicycle Corridor Project and the process for acquiring the right-of-ways. There have been delays with the last parcel caused by property title issues discovered during the foreclosure process the property entered into in March 2014. The County is unable to purchase the property until the lender resolves these issues through civil proceedings. At this time, there is no resolve date known. This delay has significantly affected the Project and has pushed the project back at least one calendar year. Today, staff is asking the Supervisors to pass a Resolution of Necessity which will allow staff to pursue the property through the eminent domain process. Even after the decision today, staff will continue to talk with the lender in the hopes that they can resolve the title issues prior to going to court.

Board discussion ensued.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Miller, to adopt [Resolution 15-052](#). On a roll call vote, the motion passed unanimously.

ADJOURNMENT: There being no further business, Chairman Scofield adjourned the meeting at 11:06 a.m.

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Board Clerk II